



UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/789, 025 01/27/97 KERZMAN J 33012/184/10

TM02/0702

EXAMINER

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JONES, H

ART UNIT

PAPER NUMBER

2123

DATE MAILED:

07/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Art Unit: 2123

**DETAILED ACTION**

**NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37**

**CFR 1.192(c)**

1. This communication is responsive to the Supplemental Appeal Brief filed 4/20/2001.
2. The brief does not contain a concise explanation of the invention defined in the claims involved in the appeal, which refers to the specification by page and line number, and to the drawing, if any, by reference characters as required by 37 CFR 1.192(c)(5). Representative has a detailed statement where the *claim limitations* are supported in the specification and/or incorporated co-pending Applications and Appellants are thanked for the mapping. However, the Examiner has reviewed said mapping and notes the following.

- Appellants have stated (page 16, Supplemental Appeal Brief) that limitation "a" of the independent claims is supported on page 64, lines 18-20. Please refer to page 64 and note that these lines do not exist. The Examiner will give Appellants the benefit of the doubt and assume that this was an inadvertant mistake (otherwise, this appears to suggest a 112(1) issue). In so far as the first limitation is critical to the claimed invention, the Examiner will assume that Appellants will wish to correct this oversight. Please review section § 1.192, subsection *d* of the Patent Rules.

3. The brief includes *two statements* that the claims do not stand or fall together, but fails to present reasons in support thereof as required under 37 CFR 1.192(c)(5). MPEP § 1206.

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Furthermore, Applicant's Representative has never previously argued the claims as other than a single group.

- Specifically, there are two statements that the claims do not stand or fall together (pages 17 and 18). The statement on page 17 refers to claims 1-42 (there are only 41 claims that Appellants' are appealing). The statement on page 18 appears to be the relevant statement. Clarification is respectfully requested.

4. Appellant is required to comply with provisions of 37 CFR 1.192(c).
5. To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 1.192(c) within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

6. **Any inquiry concerning this communication or earlier communications from the examiner should be:**

**directed to:** Dr. Hugh Jones telephone number (703) 305-0023, Monday-Thursday 0830 to 0700 ET, *or* the examiner's supervisor, Kevin Teska, telephone number (703) 305-9704.  
Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

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**mailed to:** Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:** (703) 308-9051 (for formal communications intended for entry) *or*

(703) 308-1396 (for informal or draft communications, please label "*PROPOSED*"

*or "DRAFT").*

Dr. Hugh Jones

July 1, 2001

  
KEVIN K. TEXAS  
SUPERVISORY  
PATENT EXAMINER